



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

August 5, 2015

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The Honorable Kevin Thomas Duffy
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: *United States v. Carmine Persico, 85 Cr. 139 (KTD)*

Dear Judge Duffy:

On July 13, 2015, Carmine Persico filed a motion pursuant to Federal Rule of Procedure 35(a) to vacate his sentence on the grounds that, *inter alia*, his sentence is substantively unreasonable under the Sixth Amendment, illegal under the Due Process Clause of the Fifth Amendment, and “constitutionally defective” as a result of the Government’s alleged failure to disclose exculpatory information. On July 17, 2015, the Court ordered the Government to respond to the motion within 21 days.

In order to permit the Government to address various factual claims in Persico’s motion, the Government respectfully requests an extension of time to respond to the motion of 30 days, until September 8, 2015. The records in this case are voluminous and, due to the passage of time, are kept off-site. The Government has not previously requested an extension of time. Anthony DiPietro, counsel for Carmine Persico, has consented to this request for extension of time.

Respectfully submitted,

PREET BHARARA
United States Attorney for the
Southern District of New York

Request granted. The
Government's response is
due on September 8, 2015.

SO ORDERED.

By:
Matthew D. Podolsky
Assistant United States Attorney
(212) 637-1947

cc: Anthony DiPietro
Law Office of Anthony DiPietro
15 Chester Avenue
White Plains, New York 10601

Dated: New York, New York
August 6, 2015

KEVIN THOMAS DUFFY
United States District Judge